



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING
AGENDA INDEX**

JANUARY 28, 1999

**THURSDAY
9:30 AM**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication
- E. Swearing In
- F. Adoption of Agenda
- G. Disclosure

2. POSTPONEMENTS AND WITHDRAWALS (Pages 2-4)

3. CONSENT AGENDA (Pages 5-10)

4. REGULAR AGENDA (Pages 11-14)

5. DIRECTOR COMMENTS (Page 14)

6. COMMISSIONER COMMENTS (Page 14)

7. ADJOURNMENT (Page 14)

AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
THURSDAY, JANUARY 28, 1999

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM.**
- B. Opening Prayer and Pledge of Allegiance.
- C. Remarks of the Chair:

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and the recommendations of the Land Use Advisory Board and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on January 28, 1999, at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication.
- E. Swearing In.
- F. Adoption of Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

- 1. **Z/CA**
98-065 Official Zoning Map Amendment (Z) and Class A Conditional Use (CA) petitions of Toby Morton, by Robert Bentz, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Single Family (RS) Zoning District. Request: Zero Lot Line Home (40 ZLL). General Location: Approx. 1500 feet south of Linton Blvd on the east side of Jog Road (**PARC CHANDON**).

Page N/A

Size: 14.61 Acres ± BCC District: 5

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Postponed by Zoning Commission.

2. **DOA
96-107(B)** Development Order Amendment (DOA) petition of Cristal - Mizners Preserve Ltd. Partnership & LeChateau - Mizners Preserve Ltd. Partnership, by Robert Bentz, Agent. Request: Delete Condition E.2 (Tropical Way construction) of Resolution R-97-2084 and add internal access to adjacent parcel (Parc Chandon Z/CA98-065). General Location: Approx. 1300 feet south of Linton Blvd on the east side of Jog Road (**WILLIAMS TRACE PUD (AKA MIZNER PRESERVE)**).

Page N/A

Size: 67.12 Acres ±

BCC District: 5

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Postponed by Zoning Commission.

3. **DOA
84-058(E)** Development Order Amendment (DOA) petition of U-Haul Co. of Florida, c/o Celeste Orr, by William R. Boose, III, Esq., Agent. Request: Delete Condition D.2 (truck location) of Resolution R-96-1192.1. General Location: Approx. 0.6 mile east of Jog Rd. on the south side of West Atlantic Ave. (**PEACHTREE PLAZA**).

Page N/A

Size: 7.61 Acres ±

BCC District: 5

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Agent requested postponement. Postponed at Zoning Commission.

4. **Z/CA
98-063** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petitions of St. Nicholas Melkite Mission, by Kevin McGinley, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Medium Density (RM). Requests: Allow a Church or place of worship; Daycare, general and Congregate Living Facility (CLF), Type 3. General Location: Approx. 0.25 mile east of El Clair Ranch Road on the north side of Sims Road (**ST. NICHOLAS MELKITE MISSION**).

Pages N/A

Size: 4.55 Acres ±

BCC District: 5

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Agent requested postponement. Postponed by Zoning Commission.

5. **PDD/TDR
98-56** Official Zoning Map Amendment to a Planned Development District (PDD) and a Transfer of Development Rights (TDR) petitions of DAB of Palm Beaches, Inc. and Andrew Logan, by Robert Bentz, Agent. Request: Rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD). Request: Transfer Development Rights for 63 units and designate PDD98-56 as the receiving area for those units. General Location: Approx. 0.75 mile west of Military Trail on the north side of Hypoluxo Road (**NYE PUD**).

Page N/A

Size: 75.40 Acres ±

BCC District: 3

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Postponed by Zoning Commission.

6. **PDD
98-077** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert and Karl Kahlert, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a Convenience store with gas sales (requested use). General Location: Northeast Corner of Lake Worth Road and Lyons Road (**VILLAGE CORNER MUPD**).

Page 1

Size: 17.94 Acres ±

BCC District: 6

MOTION: To postpone until February 25, 1999.

Reason for Postponement: Agent requested postponement.
Postponed by Zoning Commission.

7. **DOA
77-141(A)** Development Order Amendment (DOA) petition of Chevron Products Company, by David J. Felton, Agent. Request: Add building square footage and reconfigure site plan. General Location: Northwest Corner of Camino Real and Powerline Rd. (**CHEVRON #47205**).

Page 2

Size: 1.03 Acres

BCC District: 5

MOTION: To postpone until March 25, 1999.

Reason for Postponement: Agent requested postponement.
Postponed by Zoning Commission.

MOTION: To approve all postponements to dates indicated.

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. WARRANT LIST - Administrative matter not subject to public comment.

Warrant List

Page N/A

MOTION: To approve the warrant list.

C. ZONING PETITIONS - CONSENT

8.

EAC

89-011(A)

Development Order Amendment /Expedited Application Consideration (EAC) petition of The Richman Group of Florida and Riverview Hose Ltd Partnership, by Robert McSorley, Agent. Request: Delete Condition 13.b of Resolution R-89-1252. General Location: Approx. 0.5 mile east of Congress Ave on the north side of Lake Worth Road (**RIVERVIEW HOUSE**).

Pages 3-19

Size: 6.7 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment to delete Condition 13.b of Resolution R-89-1252.

9.

EAC

92-005(C)

Development Order Amendment /Expedited Application Consideration (EAC) petition of UpJohn/Delray Ltd. Partnership, by Marilou Gonzalez, Agent. Request: Modify/delete conditions D.2, D.3 and O.1 of Resolution R-94-793. General Location: Approx. 0.2 mile west of Jog Road on the south side of W. Atlantic Ave. (**UPJOHN PUD**).

Pages 20-41

Size: 165.5 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: N/A

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify/delete conditions D.2, D.3 and O.1 of Resolution R-94-793.

10. DOA

81-163(D) Development Order Amendment (DOA) petition of 458 Properties and LLC & WRC Properties, by Sara Lockhart, Agent. Request: Reconfigure site plan. General Location: Approx. 0.25 mile south of Glades Road on the east side of Military Trail (**BOCA CENTER**).

Pages 42-66

Size: 3.75 Acres \pm (Affected)/
28.62 Acres \pm (Total)

BCC District: 4

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure site plan.

11. DOA

87-112(H) Development Order Amendment (DOA) petition of James J. O'Brien Trustee, by Carole Turk, Agent. Request: Amend PDP to add access point (Parcel 19). General Location: Southwest Corner of Lantana Road and Haverhill Road extension (**WINSTON TRAILS PUD**).

Pages 67-97

Size: 11.14 Acres \pm (Parcel 19)/
824.19 Acres \pm (Overall)

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to amend the PDP to add an access point (Parcel 19).

12. **Z98-062**

Official Zoning Map Amendment (Z) petition of Pike Investment and Capital Resources, by Robert Basehart, Agent. Request: Rezoning from Agricultural Residential (AR) to Light Industrial (IL). General Location: Approx. 1000 feet east of Pike Road on the north side of 7th Place North. **(WEITZ/SPARLING REZONING).**

Pages 98-109

Size: 10.00 Acres \pm

BCC District: 6

Staff Recommendation: Approval of the request, subject to six (6) voluntary commitments.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential (AR) to Light Industrial (IL).

13. **DOA**
 96-031(A) Development Order Amendment (DOA) petition of MDL Realty & Z.E. Taheri, by Kilday & Associates, Inc., Agent. Request: Amend PDP to add access point; reconfigure master plan and delete Conditions F.1 thru F.5 (landscaping) of Resolution R-96-994. General Location: Approx. 0.1 mile south of Belvedere Road on the east side of Jog Road (**TAHERI PUD**).

Pages 110-140

Size: 93.37 Acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to amend PDP to add an access point; reconfigure master plan and delete Conditions F.1 thru F.5 of Resolution R-96-994.

14. **PDD98-073** Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert and Karl Kahlert, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). General Location: Approx. 400 feet south of Boynton Beach Blvd east of Florida Turnpike (**NEW ALBANY PUD**).

Pages 141-168

Size: 20.00 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

D. STATUS REPORTS - CONSENT

15. **SR 95-62** Status Report for Resolution s R-95-1469 and R-95-1470 (Petition 95-62). Property owner: Charles S. and Herna L. Harris. Location: west side of Carver Avenue, approximately 250 feet north of Indiantown Road. Current zoning: Single-Family Residential with a Class A Conditional Use to allow a church or place of worship RH.

Pages 169-172

Size: 0.36

BCC District: 1

Original Petitioner: Charles S. & Herna Harris

MOTION: Adopt a resolution to revoke the Class A Conditional Use which allows a church or place of worship, and exempt Resolution R-95-1469 (Single-Family Residential (RS) Zoning District) from further Section 5.8 review.

16. **SR**
73-52.3

Status Report for Resolution R-73-397 (Petition 73-52). Property owner: Resort at Indian Spring Inc. and Indian Spring Golf & Tennis Country Club, Inc. Location: 1/8 of a mile west of Military Trail on the north side of Woolbright Road. Current zoning: RS-Single Family Residential with a Special Exception for a Planned Unit Development (Indian Spring PUD).

Pages 173-176

Size: 796.5 acres

BCC District: 5

Original Petitioner: Epic Corporation

MOTION: Approve a time extension to record a plat, until July 23, 1999, for Resolution R-73-397.

17. **SR**
79-64B.8

Status Report for Resolution R-91-985 (Petition 79-64B). Property owner: Grace Christian Fellowship of Palm Beach County, Inc. Location: south side of Lark Road, approximately 0.05 of a mile east of Congress Avenue. Current zoning: RS-Single Family Residential with a Special Exception permit a place of worship.

Pages 177-179

Size: 3.29 acres

BCC District:2

Original Petitioner: Grace Christian Fellowship of P.B.

MOTION: Approve a time extension to commence development, until December 3, 2000, for Resolution R-91-985.

18. **SR**
80-167B

Status Report for Resolution R-95-1735 (Petition 80-167(B)). Property owner: West Palm Beach CPDC, Ltd.. Location: northeast corner of the intersection of Military Trail and Summit Blvd.. Current zoning: CG-General Commercial with a Development Order Amendment to increase square footage (+5000 SF) within a previously approved planned development.

Pages 180-184

Size: 17.03

BCC District:2

Original Petitioner: Commercial Properties Development Corp.

MOTION: Approve a time extension until December 4, 2000, to commence development and until December 31, 1999, to comply with condition number B.6. of Resolution R-95-1735.

19. **SR**
80-173C

Status Report for Resolution R-94-1681 (Petition 80-173(C)). Property owner: Wal-mart Prop., Inc. #1398 and Tomas Datorre, Sr. & Ofelia Datorre. Location: northwest corner of the intersection of Hypoluxo Road and Military Trail. Current zoning: General Commercial with a Special Exception for a Planned Commercial Development.

Pages 185-188

Size: 9.75

BCC District:3

Original Petitioner: Wal-Mart Stores, Inc.

MOTION: Approve a time extension until December 5, 1999, for Resolution R-94-1681.

20. **SR 87-33A.4** Status Report for Resolutions R-91-246 and R-91-247 (Petition 87-33(A)). Property owner: Sonne Walter and South Shore Oil Corp. Location: southwest corner of the intersection of Westgate Avenue and Congress Avenue in the Westgate CRA. Current zoning: CG-General Commercial with a Special Exception to amend the site plan for a commercial new and used automobile sales, rental, and repair facility to increase the land area, increase building square footage, redesign the site, and include an auto service station, convenience store and car wash facility.

Pages 189-191

Size: 2.9 acres BCC District:2

Original Petitioner: Gator Pond Properties II, Inc.

MOTION: Approve a time extension until December 5, 1999, for Resolutions R-91-246 and R-91-247.

21. **SR 90-15.3** Status Report for Resolutions R-90-1896 and R-92-1840 (Petition 90-15). Property owner: Richard M. Hatcher. Location: southeast corner of the intersection of Hypoluxo Road and High Ridge Road. Current zoning: CC-Community Commercial with a Special Exception for a Planned Commercial Development, including an auto service station and automatic car wash.

Pages 192-195

Size: 1.0 acres BCC District:3

Original Petitioner: B.P. Oil Company

MOTION: Adopt a resolution to revoke the part of the Special Exception which permitted a car wash, previously approved by the adoption of Resolution R-92-1840, and to amend conditions of approval (car wash).

22. **SR 92-35.2** Status Report for Resolution R-92-1839 (Petition 92-35). Property owner: Portalegre Inc. and West Delray Realty, Inc. Location: 1/4 of a mile east of Jog Road on the south side of West Atlantic Avenue. Current zoning: CG-General Commercial.

Pages 196-198

Size: 4.87 acres BCC District: 5

Original Petitioner: Arthur Rosacker

MOTION: Approve a time extension until December 4, 2000, for Resolution R-92-1839.

23. **SR 95-31.2** Status Report for Resolution R-95-1115 (Petition 95-31). Property owner: Kirms Communications, Inc. Location: west side of Tall Pines Road approximately 0.1 mile north of Southern Blvd.. Current zoning: Light Industrial.

Pages 199-202

Size: 0.74 BCC District:6

Original Petitioner: Johnson Brothers Consolidated Waste, Inc.

MOTION: Approve a time extension until August 24, 1999, for Resolution R-95-1115.

24. **CR 95-87/E2** Status Report for Resolution R-96-648 (Petition 95-87). Property owner: Gold Coast Homes Inc., Transeastern Properties Inc., and Westbrooke Companies Inc. Location: south side of the L-16 Canal, west of Jog Road. Current zoning: Planned Unit Development.

Pages 203-205

Size: 404.9 acres BCC District: 3

Original Petitioner: Lennar Florida Land VI Q.A., Ltd.

MOTION: To direct staff of the Code Enforcement Division to cite the property owner for failure to comply with Condition Number E.2. of Resolution R-96-648.

E. CORRECTIVE RESOLUTIONS

25. **PDD 97-104(1)** Corrective Resolution: To correct Condition D.1 of Exhibit C of Resolution R-98-740. **(RAINBOW PUD)**

Page 206

MOTION: To adopt a resolution to correct Condition D.1 of Exhibit C of Resolution R-98-740.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

26. **98-SCA 83 COM 4** Heerema, Griffiths, Kent , Beal (Concorde Investments) by Robert E. Basehart, Basehart Consulting, Inc. Small Scale Land Use Amendment (SCA): Amend land use on the eastern 1.03 acres from Medium Residential 5 (MR-5) to Commercial Low with an underlying Medium Residential 5 (CL/5) with cross-hatching on the eastern 50 feet of the property with conditions. Also amending Ordinance 97-23 by modifying conditions of approval for the western 1.10 acre parcel. (General Location: Northeast corner of Hypoluxo Road and Congress Avenue). **(BEAL 4 / ECKERD DRUG)**

Pages 207-246

Size: 2.13 acre ±

BCC District: 3

Staff Recommendation: Approval of the requested future land use change from MR-5 to CL/5 with crosshatching on the eastern 50 ft. of the site, subject to conditions; and approval of the request to amend conditions of Ordinance 97-23, with the exception of the request to extend the hours of operation to 12:00 a.m.

LPA Recommendation: Approval (by a 9-4 vote) of the requested future land use change from MR-5 to CL/5 with crosshatching on the eastern 50 ft. of the site, subject to conditions; and approval of the request to amend conditions of Ordinance 97-23, with two additional modifications of the existing conditions of approval.

MOTION: To approve the request for a future land use change from MR-5 to CL/5 with cross-hatching on the eastern 50 ft. of the site, subject to conditions; and to approve the request to amend conditions of Ordinance 97-23, with the exception of the extension of the hours of operation to 12:00 a.m; and adopt an ordinance affirming that action.

27. **Z/DOA**

97-027(A) Official Zoning Map Amendment (Z) and a Development Order Amendment (DOA) petitions of Concorde Investments, Inc., by Robert Basehart, Agent. Request: Rezoning from Residential Single Family (RS) to Community Commercial (CC) with a COZ. Request: Add land area (1.03 acres) and add building square footage to previously approved rezoning with a COZ. General Location: Northeast Corner of Hypoluxo Road and Congress Ave (**ECKERD DRUGS**).

Pages 247-271

Size: 2.06 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Residential Single Family (RS) to Community Commercial (CC) with a COZ.

MOTION: To adopt a resolution approving the request for a Development Order Amendment to add land area and building square footage to previously approved rezoning with a COZ.

C. PREVIOUSLY POSTPONED ZONING PETITIONS28. **PDD/VDB**

98-053 Official Zoning Map Amendment to a Planned Development District (PDD) and Voluntary Density Bonus (VDB) petitions of Brighton Homes Development, Inc., by Julian Bryan, Agent. Request: Rezoning from Residential Medium Density (RM) to Residential Planned Unit Development (PUD). Request: Voluntary Density Bonus for 30 additional units. General Location: Approx. 850 feet east of Military Trail on the north side of Summit Blvd. (**BRIGHTON SUMMIT**).

Pages 272-321

Size: 12.31 Acres ±

BCC District: 2

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from RM to PUD.

MOTION: To adopt a resolution approving the request for a Voluntary Density Bonus for 30 additional units.

29. **DOA**
81-170(A) Development Order Amendment (DOA) petition of RCS Boca Grove, Inc., by Dennis Kohler, Esq., Agent. Request: Add building square footage and reconfigure site plan. General Location: SW Corner of Boca Grove Blvd and Powerline Road (**GROVE CENTER**).

Pages 322-338

Size: 3.46 Acres ±

BCC DISTRICT: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (5-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to add building square footage and reconfigure the site plan.

MOTION: To recommend approval of a Commercial sub-category designation of Commercial High Intensity-Office (CH-O) for the referenced property.

D. ZONING PETITIONS

30. **PDD**
98-078 Official Zoning Map Amendment to a Planned Development District (PDD) petition of Herbert and Karl Kahlert, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) to allow Professional offices and Convenience store with gas sales (requested use). General Location: Northwest Corner of Woolbright Road and Jog Road (**THE SHOPPES OF MADISON**).

Pages 339-361

Size: 23.86 Acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Denial (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) to allow Professional offices and Convenience store with gas sales (requested use).

31. **DOA**
78-040(A) Development Order Amendment (DOA) petition of Nicholas & Joan Wellman, by Kevin McGinley, Agent. Request: Redesignate land uses and add Daycare, general (125 children) (requested use). General Location: Northwest Corner of Melaleuca Lane and Military Trail (**WELLMAN PLAZA**).

Pages 362-380

Size: 3.52 Acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (5-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to redesignate land uses and add Daycare, general (125 children).

32. **DOA**
80-200(C) Development Order Amendment (DOA) petition of Schumacher Automotive, Inc., by Thomas J. Lanahan, Agent. Request: Reconfigure site plan, add building square footage and add access point. General Location: Southeast Corner of Northlake Blvd. and Sandtree Dr. (**SCHUMACHER AUTOMOTIVE**).

Pages 381-417

Size: 9.29 Acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (5-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to reconfigure the site plan, add building square footage and add access point.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR

33. **AI-99-01** Floral Acres (aka Village Center) - Petition 93-21(A)
(Under separate cover)

34. Request for Permission to Advertise ULDC Amendments
Pages 418-480

B. PLANNING DIRECTOR

6. COMMISSION COMMENTS.

7. ADJOURNMENT.